

<p style="text-align: right;">Page 109</p> <p>1 Rolande Cutner 109</p> <p>2 myself because I was so mad and I wrote so</p> <p>3 many letters that finally they put the form</p> <p>4 outside. Big victory.</p> <p>5 Q. When you would go down to the front</p> <p>6 desk and request a form and they didn't have</p> <p>7 it, what would the people on the third floor</p> <p>8 do in the meantime when the tub was too</p> <p>9 clogged to be able to take a shower, were</p> <p>10 people directed to use showers on other</p> <p>11 floors?</p> <p>12 A. I don't know. I don't know. What</p> <p>13 I can add on this story is that is that</p> <p>14 whenever I ask for the form, you know, "oh,</p> <p>15 we don't have the form."</p> <p>16 MR. CUTNER: The question</p> <p>17 is, what did the other people do.</p> <p>18 That's the question.</p> <p>19 A. I said I don't know. I know what I</p> <p>20 did.</p> <p>21 Q. And what did you do?</p> <p>22 A. I said, "Call the management,"</p> <p>23 uh-huh. "You don't have the phone number to</p> <p>24 call the management." So he called the</p> <p>25 management, nobody answer. It's the same</p>	<p style="text-align: right;">Page 110</p> <p>1 Rolande Cutner 110</p> <p>2 thing, it's like, like zombie coming from the</p> <p>3 planet Mars. You call, nobody answer in</p> <p>4 front of me (indicating). Nobody answer.</p> <p>5 That's a reality.</p> <p>6 Q. Prior to the Lantern Group making</p> <p>7 this rule that if you were requesting a</p> <p>8 repair you had to fill out a work order form,</p> <p>9 how were repairs requested?</p> <p>10 A. You mean before it was a long time</p> <p>11 ago, to conversation with management, is that</p> <p>12 your question?</p> <p>13 Q. Well, did you have to fill out a</p> <p>14 work order form the entire time the Lantern</p> <p>15 Group was in management or is that something</p> <p>16 the Lantern Group changed at some point?</p> <p>17 A. I don't understand your question.</p> <p>18 Q. When the Lantern Group first took</p> <p>19 over the building, did you immediately have</p> <p>20 to use this work order form or was there some</p> <p>21 other way you could request repairs in the</p> <p>22 beginning?</p> <p>23 A. I don't recall, I don't recall</p> <p>24 that. I could not say that one months later</p> <p>25 we had this agreement, I don't recall.</p>
<p style="text-align: right;">Page 111</p> <p>1 Rolande Cutner 111</p> <p>2 Q. Do you recall making any requests</p> <p>3 for repairs to the Lantern Group before they</p> <p>4 started directing people to use this form?</p> <p>5 A. Probably, yes, probably.</p> <p>6 Q. And how would you request repairs</p> <p>7 to Lantern Group?</p> <p>8 A. Talking, talking to the girl at the</p> <p>9 management and telling the girl, call the</p> <p>10 management because Felix was the manager at</p> <p>11 that time in the really beginning, "call</p> <p>12 Felix, call the manager, call Jose the</p> <p>13 porter," yes, it was told at that time.</p> <p>14 Q. So when you said you would orally</p> <p>15 request it, would that be with a person in</p> <p>16 the lobby or would you have to call someone</p> <p>17 on the telephone?</p> <p>18 A. No, I would stop by at the desk.</p> <p>19 Q. So then the only change in policy</p> <p>20 was that instead of being able to request</p> <p>21 repairs orally, you had to put it in writing;</p> <p>22 is that correct?</p> <p>23 A. Yes, yes.</p> <p>24 Q. Typically, when you were able to</p> <p>25 give the request for repairs orally, how long</p>	<p style="text-align: right;">Page 112</p> <p>1 Rolande Cutner 112</p> <p>2 would it typically take for the repairs to be</p> <p>3 made?</p> <p>4 A. Oh, two, three days because I</p> <p>5 remember specially with the bathtub being</p> <p>6 clogged, the kitchen was always in a terrible</p> <p>7 state so I stopped going to the kitchen. I</p> <p>8 never put my food in the kitchen so I cannot</p> <p>9 testify to that but the bath tub two, three</p> <p>10 days.</p> <p>11 Q. Do you know what the kitchens on</p> <p>12 the other floors were like?</p> <p>13 A. No, never. Matter of fact, I never</p> <p>14 go to the other floors so I cannot testify to</p> <p>15 that. I never go. I'm kind of scared. I</p> <p>16 never go.</p> <p>17 Q. Why are you scared?</p> <p>18 A. (Indicating.)</p> <p>19 Q. Are you scared of the other tenants</p> <p>20 on the other floors?</p> <p>21 A. No; mice, rats, bed bugs, because</p> <p>22 my room, you know, I buy a lot of insecticide</p> <p>23 and I put them all over my room and all</p> <p>24 around my bed so they cannot crawl into my</p> <p>25 bed and I buy every week and I change so I, I</p>

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2 don't wait.

3 For one month every week I buy and

4 I put that under my bed, around the foot of

5 my bed, all over along the bottom of the

6 wall, at the door and every week I have this

7 discipline to do that.

8 Q. Once you had to make your requests

9 in writing, how fast was the turnover, how

10 long would it take for the repairs to be

11 made?

12 A. Like two days providing that the

13 request was easily accepted or they did not

14 forget it. I don't know, you know, because

15 this to me, this form was a way to harass

16 people.

17 Q. Why do you feel it was a way to

18 harass people?

19 A. Because before they put it on the

20 outside of the desk you have to request the

21 person give me the form to fill out and they

22 were never any forms so you telephone, you

23 ask, you said, "call the manager." The

24 telephone of the manager never answer and you

25 get tired of doing that, see. So to me

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1 Rolande Cutner 115

2 building had a similar experience when they

3 requested the form?

4 A. I think Chris Santee and Nicolas

5 Legrand also request a lot of the times a

6 form and were unable to locate the form or

7 have the form delivered. I'm talking about

8 the blank form. There was this big, big

9 battle to get the blank form.

10 Q. Does Christopher Santee have a

11 disability?

12 A. Not that I am aware of, no.

13 Q. What about Nicolas Legrand?

14 A. No, I am not aware of any. I don't

15 think so. I don't think so.

16 Q. On the next page, on Page 16,

17 towards the top of the page, you allege that

18 you had to frighten to sue the management in

19 order to have the form located and delivered

20 at the front desk.

21 A. Yes.

22 Q. How do you frighten to sue, what

23 did you do to frighten to sue them?

24 A. I tell them. I just tell them. I

25 said, "Look, I'm sick and tired to ask for

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1 Rolande Cutner 114

2 service, it was a way to harass people.

3 Q. Do you think that it was a way they

4 were trying to harass you specifically or the

5 tenants as a whole?

6 A. Well, because of me, I felt I was

7 harassed, you know, but I am sure other

8 people felt the same way but let's say the

9 answer is I felt harassed.

10 Q. Do you think that they were only

11 trying to harass you or they were trying to

12 harass all of the tenants in the building?

13 A. I felt they were trying to harass

14 me.

15 Q. About how many tenants live in the

16 building?

17 A. Fifty-seven.

18 Q. Were all 57 tenants required to

19 fill out the form?

20 A. I understood, yes, it was a rule.

21 Q. Why do you think they were only

22 trying to harass you, specifically?

23 A. Because at that time I asked for

24 the form, there were no forms.

25 Q. Do you think anyone else in the

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1 Rolande Cutner 116

2 the form so if I don't have the form

3 tomorrow, I'm going to sue you."

4 What else? Simple than that.

5 Q. Who did you tell this to?

6 A. To the girl at the desk or and

7 Felix also, Felix by extraordinaire was

8 present.

9 Q. What did they say in response?

10 A. "Don't worry, Mrs. Cutner. We will

11 locate the form and we give it to you

12 tomorrow."

13 Q. What did you say after they told

14 you they would locate the form and give it to

15 you tomorrow?

16 A. "Thank you. I wait for the form

17 tomorrow." That was before we had -- you

18 understand that we had the order of the form

19 was outside because I really raised hell for

20 to have that.

21 Q. Did they have the form the next

22 day?

23 A. Not every time but I raised hell so

24 much that.

25 Q. When they said to you, "don't

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1 Rolande Cutner 117
2 worry, we'll have the form for you tomorrow,"
3 when you asked them tomorrow, did they have
4 the form?
5 A. Sometimes they had, sometimes they
6 did not have and another confrontation was
7 brewing.
8 Q. There's an allegation where you
9 said you had to frighten to sue the
10 management, was that just one time?
11 A. Yes, I did that, I said "I sue
12 you."
13 Q. Was that just one time or did you
14 say that more than once to them?
15 A. More than once.
16 Q. Each time, was it always to Felix
17 or was it to other people?
18 A. The girl at the desk or Felix,
19 Felix.
20 Q. So whoever was at the desk?
21 A. I put a fright.
22 Q. And if Felix was present?
23 A. I would tell him.
24 Q. Did Felix and the girl at the front
25 desk always have the same response?

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1 Rolande Cutner 119
2 know, we, we are -- it's always, you know,
3 "we are going to repair but it's too
4 complicated, it's huge repair." I mean, it
5 was very complicated, for instance, plumbing,
6 it's an old building. It's huge, it's huge
7 repair and, like, they tell me, you know,
8 they don't have the money, it's a huge
9 repair, giving me the feeling that they will
10 have to replace the old plumbing. That kind
11 of, I would say, information.
12 Q. Why do you feel that this is
13 incorrect information?
14 A. Because it could have been so
15 simple to call a plumber and to have the
16 bathroom in good repair order. Why make it
17 so cumbersome that they cannot repair?
18 Q. You testified earlier that it was
19 the bathroom that was frequently clogged and
20 the sink was frequently clogged?
21 A. Yes.
22 Q. So why do you think that a plumber
23 could have simply fixed it from not being
24 clogged?
25 A. Because I suppose and again, I am

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1 Rolande Cutner 118
2 A. Yes. "Don't worry, don't worry,
3 we'll have it tomorrow."
4 Q. And sometimes they would have it
5 the next day and sometimes they wouldn't?
6 A. Sometimes, right.
7 Q. When they would say to you "we will
8 have it tomorrow" and you would go back the
9 next day and they wouldn't have it, what
10 would you say to them?
11 A. I raise hell. "Look at me, I'll
12 sue you. It's not going to go like that for
13 one more day."
14 Q. And would they have the same
15 response?
16 A. "Don't worry."
17 Q. You say that the Lantern Group's
18 management gave you incorrect information; on
19 what occasions did they give you incorrect
20 information?
21 A. (Witness perusing documents.)
22 Q. Do you see where it says "in the
23 worst cases the Lantern Group's management
24 gave Cutner incorrect information?"
25 A. We, we -- it was to, as I said, you

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1 Rolande Cutner 120
2 not a plumber, that in New York City this
3 problem of clogged up bathroom must exist and
4 they must repair it so how come in our
5 building they cannot repair and in the street
6 they do, I mean, it does not make sense, you
7 know.
8 Q. Do you know if these other
9 buildings had as frequent problems with
10 clogging?
11 A. No. That I have no knowledge but I
12 suppose that. I have no knowledge of that.
13 Q. Other than the repair and what they
14 told you with regard to the repairs to the
15 bathroom, was there any other information
16 that they gave you that you feel was
17 incorrect?
18 A. Well, they, again, you know, say
19 but it was a hint that we don't need to
20 repair because the building is going to be
21 demolished but not in that particular
22 wording, you know, but it was a hint, a clear
23 hint and also, "if you are not happy, why
24 don't you leave because this building is
25 going to be demolished."

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2 Q. Did anyone ever say to you, "If

3 you're not happy, why don't you leave?"

4 A. Not that way. They say, "Why don't

5 you return to your own country."

6 Q. Who said that to you?

7 A. I think either Felix or George is a

8 porter; George is a porter told me that.

9 Q. And in what context did they say

10 that to you, what did you say to him that

11 prompted him to say that?

12 A. Because I complain all the time.

13 'Cause you have to realize, the other

14 tenants, they are so destroyed by the

15 building and maybe by the feeling that there

16 is no use to complain. You see, gradually

17 when I say --

18 MR. CUTNER: The question is

19 what did you say to Jose and what

20 did he say to you.

21 A. I complain, I mean, constantly,

22 constantly, I complain.

23 Q. And do you think that you were the

24 only tenant that was complaining?

25 A. I finish by thinking that way.

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1 Rolande Cutner 123

2 Q. What did she say to you?

3 A. One day she came she was frightened

4 because she said the building, another

5 building people come from the roof, they

6 cross and they go down to our building and

7 she was terrified. She was terrified and she

8 said, "you know, it's foreign people, I could

9 get hurt or killed" or whatever, "foreign

10 people." So I immediately I write a letter.

11 You can look at my folder of all

12 the letters because she came to me to

13 complain because she was too distraught to do

14 it herself.

15 Q. And who did you direct that letter

16 to?

17 A. Rafal.

18 Q. And what did you write in the

19 letter?

20 A. That this lady and another lady,

21 two ladies came to me and said we are

22 terrified because people are crossing by the

23 roof and they live on the 6th floor and going

24 down and they were afraid to be raped, I

25 mean, I don't know, they were afraid I don't

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1 Rolande Cutner 122

2 This is why he said, "Why don't you return to

3 your own country?" Because probably the poor

4 guy was sick and tired of me complaining.

5 That I don't know but he said that.

6 Q. You said something about how the

7 other tenants felt unwilling to complain --

8 A. Out of distress and lack of

9 confidence, no. I would say out of, it is

10 useless anyway. For instance, this lady,

11 Sheila Hausner, she would say -- she was,

12 would you say, a defeatist so she would say,

13 "you know, we cannot fight those people."

14 She would say, "you know, you cannot fight

15 those people" and she would say "it's no use"

16 because I would tell her she needs to

17 complain with me and she also belongs to this

18 board, the, this advisory board. I would say

19 "come with me and complain."

20 Q. Did she live on the same floor as

21 you?

22 A. No, no. She live on the 6th floor.

23 Q. Did she ever complain to you about

24 the conditions of the building?

25 A. Yes, a lot of the times.

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1 Rolande Cutner 124

2 know about what, but they were afraid so they

3 said to me because, as I said, they are so

4 destroyed by the condition of the building

5 that they don't have the strength to complain

6 so they said to me and I write a letter.

7 Q. Did they tell you that they were so

8 distraught from the condition of the building

9 that they --

10 A. No, they just said they were

11 afraid. They were afraid because during the

12 night those people were crossing the roof on

13 the roof and go down and they live on the 6th

14 floor so they mention they were so afraid and

15 I, my comment is they have no strength left

16 because of the condition of the building.

17 That's my comment.

18 Q. Did you get a response to your

19 letter about this situation?

20 A. Yes.

21 Q. Who responded to the letter?

22 A. Rafal.

23 Q. Did he responds orally or in

24 writing?

25 A. No, no, in writing.

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1 Rolande Cutner 125

2 Q. What did he say in his response?

3 A. "That is a total lie, Mrs. Cutner,

4 because the roof, the door on the roof is

5 always locked by the security" so I was

6 furious because he called me a liar.

7 MR. CUTNER: The question

8 was, what did he say.

9 A. He says that that is a total lie

10 because the roof door is closed.

11 Q. Did you respond in any way to

12 Mr. Markwat's response?

13 A. No, no, it's -- what's the use?

14 Q. Did you feel that his response was

15 incorrect?

16 A. Yes.

17 Q. Why do you feel that it's

18 incorrect?

19 A. Because it's two women living on

20 the 6th floor approach me and said, "We are

21 terrified because during the night foreigners

22 walk through the roof and, and go down and we

23 were afraid to be raped."

24 I would be very surprised those two

25 women are liars.

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1 Rolande Cutner 127

2 the door to the roof to see if the security

3 guard was locking it?

4 A. Well, what I know that Rafal said

5 and he said it's impossible.

6 MR. CUTNER: The question

7 is, do you know if anyone checked

8 the door.

9 A. That's the question?

10 MS. HOLTZER: Please read it

11 back.

12 (Whereupon, the requested

13 portion was read by the reporter.)

14 A. That I don't know. I know only

15 what Rafal told me in his letter.

16 Q. Do you know if the Lantern Group

17 conducted any kind of investigation regarding

18 the contents of your letter?

19 A. I don't know that.

20 Q. You said you allege that the

21 Lantern Group's management made the process

22 to obtain repairs too cumbersome to navigate;

23 are you referring to the work order form --

24 A. Yes, that's too complicated.

25 Q. You also say that some employees

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1 Rolande Cutner 126

2 Q. You said they went on the roof and

3 came down, do you mean into the building?

4 A. Well, the two women. I did not see

5 anybody. Those two women told me that.

6 Q. They told you that people were

7 entering the building from the roof?

8 A. Uh-huh.

9 Q. Did they tell you that they

10 actually saw the people in the building?

11 A. Yes.

12 Q. How did they know that those people

13 came in through the roof?

14 A. Because they live on the 6th floor

15 and probably they hear tiptoe. I don't know,

16 again --

17 MR. CUTNER: The answer is

18 "I don't know."

19 A. I don't know.

20 Q. You testified that they said that

21 they told you that foreigners were walking

22 across the roof?

23 A. No, they say some man, some male

24 and --

25 Q. Do you know if anyone ever checked

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1 Rolande Cutner 128

2 deny the existence of a problem; which

3 employees denied the existence a problem?

4 A. Felix.

5 Q. What did he say to you that

6 indicated that he was denying the existence

7 of a problem?

8 A. They say, "No, it is clean. I

9 don't see any problem with the bathroom. The

10 bathroom are clean."

11 Q. You also referenced the elevator

12 and the garbage.

13 What did you feel was the problem

14 with the elevator?

15 A. It's very dirty and on the floor,

16 sometime maybe people vomit, they are sick,

17 it's not their fault but nobody clean, maybe

18 they, they pee, I don't know, I don't know

19 but there is human waste on the floor of the

20 elevator.

21 Q. Did anyone ever deny that that was

22 taking place, did anyone ever say no that's

23 not --

24 A. No, no, no. Nobody denied. I told

25 Felix and he said, "No, the porter clean it

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1 Rolande Cutner 129

2 if there is some human waste, the porter

3 clean it immediately," you know. If somebody

4 is sick, that could happen. If someone is

5 sick in the elevator it happened, I mean it's

6 not tragedy, it's cleaned immediately and

7 it's not true.

8 Q. How often did it occur that you saw

9 human waste in the elevator?

10 A. Once. Once to me, maybe twice

11 because once was probably vomit and another

12 time was a smell, probably was urine.

13 Q. Did you report it to the people in

14 the front?

15 A. Immediately. You bet.

16 Q. How soon after you reported it was

17 it cleaned?

18 A. The next day.

19 Q. The next day. So when you went

20 back in the elevator it was still there; is

21 that correct?

22 A. Well, I would see, let's see. It

23 was 8:00, 9:00, so the elevator was vomit or

24 other time was urine. I immediately complain

25 to the desk then, I don't want to want to

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1 Rolande Cutner 131

2 live-in employees that were responsible for

3 the maintenance of the building?

4 A. I don't know. I don't know that.

5 I don't know if Felix -- I don't know where

6 Felix lives. I don't know if Felix was

7 living there and Jose is a porter. I don't

8 know where. The answer is I don't know.

9 Q. You say that employees demonstrated

10 substantial or complete ignorance about how

11 to obtain a low cost purchase of brooms and

12 brushes and liquid to clean. Were the

13 employees that you're referring to here?

14 A. That's because I complain to the

15 desk and I was so mad that, you know, I say,

16 "If you tell me where to get a broom, I do it

17 myself." You know, being so mad, "where it

18 is, where can I get it?" They say, "I don't

19 know, I don't know."

20 Q. By employees you're referring to

21 the people at the front desk?

22 A. At the desk, yes.

23 Q. So you had asked them where you

24 could go to buy a broom; is that correct?

25 And they responded that they didn't know?

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1 Rolande Cutner 130

2 enter the elevator, so I walk very slowly

3 about the stair and up to the third floor of

4 my room and I go to sleep. The next day it

5 would be clean for the incident the elevator.

6 Q. So you don't know that they waited

7 the next day to clean it, you just know the

8 next time you went to use the elevator it was

9 clean?

10 A. It was clean.

11 Q. And when you reported it to them,

12 did they already know about it and did they

13 react as if they were hearing it for the

14 first time?

15 A. No, they just -- no. They seemed

16 that they knew about it. They were not

17 surprised.

18 Q. Do you know if there were any

19 employees living in the building?

20 A. I don't know that.

21 Q. Do you know if there were any

22 employees that were responsible for the

23 cleaning of the building?

24 A. Felix and Jose, the porter.

25 Q. Do you know if there were any

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1 Rolande Cutner 132

2 A. Yes, "I don't know."

3 Q. Now, you referred to the new rules.

4 Other than the rules that you already

5 testified to regarding packages and the work

6 order form, what other new rules did the

7 Lantern Group institute?

8 A. No newspaper deliver, no magazines,

9 no Federal Express, and the letter were put

10 in a small box with individual name, number

11 and Lantern Group gave us a key for the box.

12 That was the new rule.

13 Q. So you had your own mailbox and key

14 but the Lantern Group wouldn't accept

15 delivery of things that couldn't fit into the

16 mailbox; is that correct?

17 A. Correct. And the mailbox is so

18 small that even a normal, for instance you

19 have a letter like that, this type

20 (indicating), it doesn't go into the mailbox.

21 The mailbox is so small that it's just could

22 be for just little and individual envelope,

23 you know, it's tiny, tiny. A thing like that

24 you could not put into a mailbox let alone

25 Federal Express, UPS.

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1 Rolande Cutner 133
 2 MR. CUTNER: So the record
 3 is clear, when she said "something
 4 like that," she was referring to
 5 Exhibit A, she's saying that that
 6 would not fit into the mailbox.
 7 Q. And do you mean one piece of paper
 8 or if someone was mailing something of this
 9 thickness and this is about 60 pages?
 10 A. That could not fit in the mailbox.
 11 Now, one piece, which I believe this is
 12 8 by 11, if you fold it in four, actually, I
 13 can show it to you.
 14 If you fold it in four
 15 (indicating), that you can put it in the
 16 mail. You see how little it is but it's
 17 interesting, fold it in four and you can put
 18 it in the box.
 19 Q. Someone reading the transcript may
 20 not understand because they're not here to
 21 see what you just showed me so let me just
 22 ask you:
 23 If someone wrote a letter to you on
 24 this size of 8 by 11 paper, folded it up and
 25 put it in an envelope and mailed it to you,

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1 Rolande Cutner 135
 2 of paper, I think they change the rule if
 3 they deposit at the desk but they change for
 4 two, three days and then after that reverse
 5 the rule to the rule they say no more.
 6 For two, three days they change the
 7 rule and after they reverse because this is
 8 something very important about the Lantern
 9 Group. They change the rule three days
 10 later. It's a new rule so it disturbs the
 11 tenant of where this rule, what kind of rule
 12 it is. It's disturbing.
 13 Q. I just want to make sure I
 14 understand. So they had this rule where you
 15 couldn't get packages, anything that wouldn't
 16 fit into your mailbox, they wouldn't accept
 17 delivery then they change the rule so that
 18 you can?
 19 A. I think they change it and, again,
 20 I have to go back in my file because they
 21 send a piece of paper that if you notify the
 22 desk that you are expecting an envelope more
 23 important, you could receive it as long as
 24 the desk is notified ahead of time and then
 25 it did not matter because how do you know

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1 Rolande Cutner 134
 2 would that fit in your mailbox?
 3 A. Yes, folded but not this
 4 (indicating).
 5 Q. In a big package where the 8 by 11
 6 paper had to be laid flat, that wouldn't fit;
 7 is that correct?
 8 A. No.
 9 Q. Were there any other new rules that
 10 the Lantern Group implemented other than what
 11 you already told me about?
 12 A. Let me -- there was a newspaper
 13 rule: No Wall Street Journal, no New York
 14 Times, no newspaper, no magazine, nothing
 15 like that. And no Federal Express, of
 16 course. No Federal Express.
 17 Q. How did they communicate this new
 18 rule to you?
 19 A. By a piece of paper which trigger a
 20 lot of the complaints from other tenants, not
 21 only me. Then I think after several months
 22 of battle it was Chris Santee and Nicolas
 23 Legrand.
 24 Where they changed the rule and
 25 they say you could have that type of a piece

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1 Rolande Cutner 136
 2 that somebody is going to send you something
 3 like that, you cannot all the time know. I
 4 think -- so after, after two, three days of
 5 one week, then they change the rule again and
 6 then they change and I said to Chris, I said,
 7 "How are you doing?" And he said he opened a
 8 personal P.O. box at a post office and, "I
 9 have all my mail delivered at the P.O. box
 10 office."
 11 Q. After they changed the rule from no
 12 acceptance of packages to accepting of
 13 packages, as long as you notify them in
 14 advance, did they change the policy again?
 15 A. I think so. At that point I am not
 16 sure but I think so.
 17 Q. When was the new policy?
 18 A. No reverse to.
 19 Q. It went back to no packages?
 20 A. To no packages but I am not sure
 21 when it was this flip flop, like I would use
 22 it as flip flop.
 23 Q. You also say in the beginning of
 24 Paragraph 68, "engaged in subtle harassment."
 25 What do you mean by that, subtle harassment,

<p style="text-align: right;">Page 137</p> <p>1 Rolande Cutner 137</p> <p>2 what do you mean by subtle harassment?</p> <p>3 A. It's because it's destroy you from</p> <p>4 the merchandise but it's very subtle because</p> <p>5 let's go back to the example of the form.</p> <p>6 You know, there is no problem, also no form.</p> <p>7 "Why don't you fill out the form," but if you</p> <p>8 never find a blank form, obviously, you</p> <p>9 cannot fill out the form so some of it's</p> <p>10 subtle because you say, "what are you talking</p> <p>11 about, Mrs. Cutner, we told you to fill out</p> <p>12 the form so why don't you do it?" It's</p> <p>13 subtle, you see, because the form is not</p> <p>14 there.</p> <p>15 Q. Do you know whether the fact that</p> <p>16 the desk employees couldn't locate the form,</p> <p>17 do you know whether that was intentional on</p> <p>18 the part of the Lantern Group or whether it</p> <p>19 was either incompetent or poor training or</p> <p>20 just a lack of knowledge on the part of the</p> <p>21 desk employees?</p> <p>22 A. To me, to me that's only to me I</p> <p>23 think it was intentional but it could be</p> <p>24 incompetent as you mention, but I cannot</p> <p>25 believe to me living there every day, it's</p>	<p style="text-align: right;">Page 138</p> <p>1 Rolande Cutner 138</p> <p>2 impossible that it's negligence because when</p> <p>3 you have a manager with negligence, you do</p> <p>4 something about it when you are aware that</p> <p>5 your desk employees are negligence but day in</p> <p>6 and day out for months, and months and</p> <p>7 months, it's not negligence. It's willing to</p> <p>8 destroy the person. That's my view.</p> <p>9 Q. There were always different desk</p> <p>10 employees, weren't there; you testified</p> <p>11 earlier you never saw one for more than a few</p> <p>12 weeks?</p> <p>13 A. Yes, yes, yes, that's correct.</p> <p>14 That's correct.</p> <p>15 Q. On the next page, on Page 17 in</p> <p>16 Paragraph 69, you mention that you pay \$500 a</p> <p>17 month rent and you pay your rent for six</p> <p>18 months at a time; is that a Lantern Group</p> <p>19 policy?</p> <p>20 A. No, no. That's just me because I</p> <p>21 have so much stress and referring to what my</p> <p>22 neurologist said, "Don't you put yourself</p> <p>23 into situation of stress." So thank you,</p> <p>24 doctor, thank you. I really do appreciate</p> <p>25 your sense of humor.</p>
<p style="text-align: right;">Page 139</p> <p>1 Rolande Cutner 139</p> <p>2 One way to suppress the stress</p> <p>3 because I am a lawyer, a client will pay me,</p> <p>4 let's say, \$5,000. Immediately I will pay my</p> <p>5 rent for six months but I cannot have more</p> <p>6 stress because other clients who wait for</p> <p>7 months and months and months before I get</p> <p>8 paid so I cannot live like that. I don't</p> <p>9 have my \$500 so no, if I have a client who</p> <p>10 pay 4, 5,000, boom, I pay six months. That's</p> <p>11 for my own comfort. It's not only from</p> <p>12 Lantern Group. It's for my own comfort but</p> <p>13 the \$100 you want to see a battle, you want</p> <p>14 to hear about it?</p> <p>15 Q. We'll get to it. The \$100 that you</p> <p>16 just referenced, is that a security deposit?</p> <p>17 A. Uh-huh.</p> <p>18 Q. When did you pay that \$100?</p> <p>19 A. September '94.</p> <p>20 Q. Now, you referenced in your</p> <p>21 complaint in Paragraph 70 that you</p> <p>22 received -- you paid \$3,000 for your rent and</p> <p>23 you received an invoice for \$3,000; was that</p> <p>24 a receipt for the payment that they received</p> <p>25 from you?</p>	<p style="text-align: right;">Page 140</p> <p>1 Rolande Cutner 140</p> <p>2 A. Yes.</p> <p>3 Q. Now, was the \$100 deposit always</p> <p>4 reflected?</p> <p>5 A. Before, before Lantern Group and</p> <p>6 during the Lantern Group management before,</p> <p>7 from September '94 to March 2006 I pay and I</p> <p>8 receive a receipt. It always say 3,000</p> <p>9 because as I said, that's my own decision to</p> <p>10 pay six month and below you have \$100 deposit</p> <p>11 and for always years, and years and years,</p> <p>12 suddenly, with the Lantern Group, I receive</p> <p>13 3,000 receipt and I don't see down the line</p> <p>14 the \$100 deposit and I immediately go to the</p> <p>15 desk and tell them that's not correct.</p> <p>16 "What do you mean, Ms. Cutner,</p> <p>17 that's not correct?" "Where is my \$100</p> <p>18 deposit?" "No, Mrs. Cutner, you never pay a</p> <p>19 \$100." I say, "Wait a minute, now, I have</p> <p>20 been living there for 15 years and \$100 were</p> <p>21 put on my receipt down below."</p> <p>22 "No, Madam Cutner, you never paid</p> <p>23 that."</p> <p>24 Q. Since when you had paid the \$100</p> <p>25 deposit?</p>

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1 Rolande Cutner 141

2 A. Yes, in September of '94.

3 Q. In September of '94, the Lantern

4 Group didn't own the building at that point;

5 is that correct?

6 A. No, no. It was a family in

7 Brooklyn, Margolis family in Brooklyn.

8 Q. That was a payment that you had

9 made to the Margolis family; is that correct?

10 A. Sure, sure.

11 Q. Do you know whether the Lantern

12 Group has records of the security deposits

13 that people paid?

14 A. No. Probably after my compliant

15 they wrote me a letter which say, "We find

16 out about your \$100 deposit. We recognize

17 and we put it down." And I was explaining

18 that to one of the tenants and he said, "Oh,

19 Mrs. Cutner, you were really pretty good

20 because me, I have been here for 15 years and

21 my \$100 deposit did not jump and I never saw

22 it again," so I don't know.

23 Q. What did they mean that the \$100

24 did not jump and they never saw it again?

25 A. Because when they receive the

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1 Rolande Cutner 143

2 A. I write letter.

3 Q. Was this June payment the first

4 time you didn't get a receipt?

5 A. No, no. I also I think December, I

6 mean there is two or three, maybe December I

7 did not have the receipt. I have to write to

8 get my receipt, I mean, you have to

9 understand, everything you need, you have to

10 write, you have to make an effort and

11 eventually they do it but you, now are, you

12 know, constantly, constantly, constantly to

13 write, "I want my receipt, I want \$100

14 deposit," but now for June but you know, it's

15 only July so let's give them a little leeway,

16 you know.

17 Q. Do you know if other tenants in the

18 building have had similar problems?

19 A. Yes, Chris Santee, Nicolas Legrand;

20 those two people that I talk to, maybe Sheila

21 Hausner, several people.

22 Q. Does Ms. Hausner have a disability?

23 A. She's limping also. I don't talk

24 to her. It's very private so. I see her

25 she's limping but I never ask.

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1 Rolande Cutner 142

2 receipt, the \$100 that they put 15 years ago

3 is never mentioned on receipt so I don't

4 know. This guy told me that.

5 Q. Do you know if it's the Lantern

6 Group's policy to issue receipts for payment

7 that's received or --

8 A. I don't know exactly.

9 Q. Do you know if it's the Lantern

10 Groups's policy to reflect security deposits

11 on their receipts?

12 A. Probably because when I complain

13 they quickly reflect my security deposit.

14 Q. Now, when you receive receipts from

15 the Lantern Group, do the receipts reflect

16 the \$100 deposit?

17 A. Now, it's another story. I don't

18 receive anything. I continue to pay like I

19 just in June, I pay 3,000 from June to

20 December. I never receive a receipt. I

21 don't care. Now I cannot. I gave up on

22 that. The management is so disorganized but

23 I am still waiting for my receipt.

24 Q. Did you contact anyone at the

25 Lantern Group to request your receipt?

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1 Rolande Cutner 144

2 Q. The person that you were referring

3 to before the person that said that their

4 security deposit is gone, who are you

5 referring to?

6 A. That's the tenant, I see him from

7 time to time. I don't know his name.

8 Q. Do you know what floor he lives on?

9 A. I don't know. I see him at the

10 elevator probably on the third floor but I

11 don't know his name.

12 Q. Looking on the next page, on

13 Page 18, you make allegations regarding your

14 checks not being cashed.

15 A. Oh, yes. That was so upsetting to

16 me.

17 Q. Why was it upsetting to you?

18 A. Because I live on a tight budget

19 and, as I say, I pay the 3,000 to make sure

20 that I am not going to be alone out on the

21 street but it's important to me to have my

22 check with me and the fact that they did not

23 send back the check and maybe because it is I

24 am so precise about that, I start to worry

25 that they would not accept my check, cash my

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1 Rolande Cutner 145
2 check and that worried me tremendously
3 because I said maybe they are trying to expel
4 me or to evict me so they take my money, you
5 know. I don't know.
6 It was to me, it was a situation
7 where I felt frightened by that or whatever,
8 my feeling. I can only express about my
9 feeling. I felt frightened by that.
10 Q. Did you contact anyone at the
11 Lantern Group?
12 A. Yes, I did. I write it.
13 Q. What did you say in these letters?
14 A. I said that, I said I was very
15 upset. That if someone was holding my check
16 I wish that someone would tell me who is
17 holding my check; if not, cash my check so
18 that was in July 2007 and finally they cash
19 my check but it's frightening.
20 Q. Did they ever respond to your
21 letter?
22 A. No, they cash the check on July 17,
23 2007.
24 Q. You say it is clear that Cutner
25 suffered from the outright hostility.

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1 Rolande Cutner 147
2 portion was read by the reporter.)
3 Q. You also state that the fact that
4 the Lantern Group didn't cash your checks was
5 a subtle discrimination.
6 Why do you think that their failure
7 to cash your checks was discriminatory?
8 A. Because I complain and I felt they
9 want to discriminate against me because I am
10 a complainer.
11 Q. Did anybody else, did any other
12 tenants ever mention to you that their checks
13 hadn't been cashed either?
14 A. No.
15 Q. On the next page, you state that
16 people from the Lantern Group were nasty.
17 Who was, other than what you've already
18 testified to about from the Lantern Group,
19 nasty? Were there any other instances where
20 someone from the Lantern Group was nasty to
21 you?
22 A. Jose, the porter, was assault me
23 verbally; Felix was making fun of my accent.
24 Q. Other than what you've already told
25 me about when Jose would ask you what you had

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1 Rolande Cutner 146
2 Are you referring to them not
3 cashing your checks?
4 A. Yes. I felt that was a way to
5 frighten me, to maybe they want to somehow
6 evict me. It was a hostile, I took -- let me
7 rephrase. I took it as a hostile action not
8 to cash my check.
9 Q. Why did you take it as a hostile
10 action?
11 A. Because I was thinking they want to
12 evict me for some reason.
13 Q. Did anyone ever tell you that from
14 the Lantern Group, tell you that you were
15 going to be evicted or that they wanted to
16 evict you?
17 A. No, no.
18 MR. CUTNER: This be a good
19 time for a break.
20 MS. HOLTZER: Sure.
21 (Whereupon, a recess was
22 taken at this time.)
23 MS. HOLTZER: Please read
24 back the last question and answer.
25 (Whereupon, the requested

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1 Rolande Cutner 148
2 said or when Jose asked you why you're still
3 living there, was there anything else that
4 Jose said or did that you felt was being
5 nasty to you?
6 A. "Fuck you, lady," you know, "don't
7 bother me. Fuck you."
8 Q. Jose said that to you?
9 A. Yes.
10 Q. When did he say that to you?
11 A. Because I complain that on the
12 third floor there were a mother with two
13 little children, Mexican mother and Mexican
14 little children and the filth, that
15 particular part was incredible and I was so
16 mad and I went to the desk and I said "clean
17 immediately," and Jose the porter arrived and
18 I say "clean immediately" and he said that.
19 Q. Who is the mother and children that
20 you're referring to?
21 A. The sister or the daughter, I am
22 not sure, of Monica Sandoval, permanent
23 tenant next to me.
24 Q. How did you know that she's
25 Mexican?

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1 Rolande Cutner 149

2 A. They spoke Spanish and she approach

3 me, the mother, and she said, "Please, plead

4 for me and my children because I don't speak

5 good English." And I speak little bit

6 Spanish so I was able to communicate with

7 her.

8 Q. You testified that Felix made fun

9 of your accent; on what occasion did he make

10 fun of your accent?

11 A. Every time I talk to him.

12 Q. How did he make fun of your accent?

13 A. Well, to mimic me because I know

14 that I cannot say, like I say "zee, zat."

15 They mimic the fact that the R is like "woo."

16 "What do you say?" Just mean.

17 Q. Was there anything else that Felix

18 said or did to you that you felt was being

19 nasty towards you?

20 A. Make me feel that I am a liar, I

21 lie especially for the mother with the little

22 children. We had a big confrontation about

23 that.

24 Q. In addition to having a discussion

25 with Jose about the mother and children, you

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1 Rolande Cutner 151

2 Either it is her sister or daughter, that I

3 am not able to discern the relationship

4 between Monique Sandoval and this woman, this

5 Mexican young woman, very young and the two

6 little children.

7 And this young woman approached me

8 because she doesn't speak English and she was

9 the one to propose the broom, the brush and

10 liquid buying and cleaning herself.

11 Q. She hadn't previously asked the

12 Lantern Group that, she was asking you to --

13 A. To go to the Lantern Group and

14 makes this proposition.

15 Q. Did you?

16 A. And I did. I make the proposition

17 on her behalf.

18 Q. Was this in writing?

19 A. Writing.

20 Q. Was it to Felix or to the

21 management?

22 A. To the management. It was copied

23 to Felix.

24 Q. Did either of them respond to you?

25 A. Rafal respond to me.

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1 Rolande Cutner 150

2 also had a conversation with Felix?

3 A. Yes.

4 Q. What did you say to Felix about the

5 mother and her two children?

6 A. That the mother proposed to me and

7 ask me to translate a request that if the

8 Lantern Group give her money to buy liquid

9 and brush and broom she will clean the

10 bathroom and the kitchen herself because

11 she's not working. She's with two little

12 children and she's in the room 24 hours a day

13 and she will clean in the Lantern Group to

14 give her either a brush and liquid or give

15 her money to buy a broom, brush, liquid and

16 please, could I translate this in English to

17 the management.

18 Q. Had Ms. Sandoval previously

19 submitted this request to the Lantern Group

20 or was she asking you to submit the request

21 for her?

22 A. Monica Sandoval is a permanent

23 tenant. The mother and the sister is totally

24 Spanish-speaking. I believe that the sister

25 was the mother of the two little ones.

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1 Rolande Cutner 152

2 Q. Did he respond in writing or

3 orally?

4 A. In writing, too.

5 Q. What did he say in response?

6 A. Again, you know, more or less that

7 I was a big liar because if this young woman

8 did not speak English but only Spanish, Felix

9 spoke Spanish, she could have gone directly

10 to Felix to put this request and second, that

11 they had a big bull porter who would do the

12 job everyday and it's probably a lie if it is

13 dirty and I mean, it's, it's a letter of that

14 type of letter.

15 Q. Did he say that he thought that you

16 were lying?

17 A. Well, he said that.

18 MR. CUTNER: You have the

19 letter, the letter here?

20 THE WITNESS: I give them to

21 them.

22 MR. CUTNER: Do you have the

23 letter?

24 MS. HOLTZER: I have the

25 letter.

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1 Rolande Cutner 153
2 MR. CUTNER: You have been
3 asking her about letters that were
4 written by the client so why don't
5 you show her and why don't we look
6 at the letter that you said your
7 client wrote.
8 THE WITNESS: It's Felix
9 wrote this letter.
10 MS. HOLTZER: Off the
11 record.
12 (Whereupon, a discussion was
13 held off the record.)
14 MS. HOLTZER: Please mark.
15 (Letter was marked
16 Defendants' Exhibit B for
17 identification, as of this
18 date.)
19 Q. Ms. Cutner, is this the response
20 from Mr. Markwat that you were referring to
21 (handing)?
22 A. This is the letter.
23 Q. In the letter?
24 A. "As of yet, we have not received
25 this type of request from our tenant."

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1 Rolande Cutner 155
2 Q. Well, do you know whether the --
3 A. With Felix, with security guard or
4 whoever is at the desk; with Jose the porter
5 but this guy, Rafal, he's never there.
6 Q. Do you know if whether Felix ever
7 reported your concerns about the work order
8 form to Rafal?
9 A. I have no way to report that.
10 Q. Do you know whether the people at
11 the front desk ever reported your complaints
12 about the work order form to Mr. Markwat?
13 A. I have no way to know that.
14 Q. So is it possible you made the
15 complaint to the front desk?
16 A. Yes.
17 Q. Do you agree that it's possible
18 that the people at the front desk or Felix
19 never reported your complaints to management?
20 MR. CUTNER: I object to the
21 form of the question.
22 MS. HOLTZER: Well, she can
23 still answer the question.
24 MR. CUTNER: Well,
25 anything's possible.

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1 Rolande Cutner 154
2 Q. Isn't that consistent with what you
3 testified to earlier that she hadn't made any
4 prior request?
5 A. I understood she was coming to me
6 because she could not speak English. This is
7 what I understood.
8 Q. What part of that letter did you
9 interpret as Mr. Markwat insinuating that you
10 were lying?
11 A. First of all, that first part of
12 the letter, again, it is this, you know,
13 "unfortunately, we do not have any recall of
14 your communication." I mean, how's the dare
15 to say that, how's is it dare to say that
16 when I told you the story about the phone and
17 all that and then "unfortunately, we do not
18 have any recall of your communication."
19 Q. Did you have any communication with
20 Mr. Markwat?
21 A. And all men on staff about that
22 matter, how is it dare to write this.
23 Q. Did you have any conversations with
24 Mr. Markwat about the work order form?
25 A. Not with him.

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1 Rolande Cutner 156
2 MS. HOLTZER: You can
3 answer.
4 A. Because I don't know.
5 MS. HOLTZER: Off the
6 record, please, just for one
7 second.
8 (Whereupon, a discussion was
9 held off the record.)
10 Q. The first sentence that you're
11 referring to, "thank you for submitting your
12 complaint in a form that can be documented."
13 Is that what you're referring to?
14 A. Uh-huh.
15 Q. Do you feel that that statement is
16 harassing in any way?
17 A. Uh-huh.
18 Q. Why do you feel that way?
19 A. Because when you ask for the form,
20 the form is not there and then you tell the
21 guy call the manager, bring the form and he
22 call, no answer on the telephone; ringing,
23 ringing, ringing.
24 Q. But do you know whether Mr. Markwat
25 was aware that you were making these oral

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1 Rolande Cutner 157
2 complaints?
3 MR. CUTNER: That's already
4 been asked and answered.
5 A. Don't know.
6 Q. Now, do you know whether there are
7 three employees who are on call 24/7 for the
8 maintenance of the building?
9 A. I never met any employee on call 24
10 hours a day, seven days a week. Never.
11 Q. And before this, before you
12 received this letter, have you ever heard
13 about there being any employees that were on
14 call?
15 A. Never.
16 Q. The sentence where Mr. Markwat
17 says, "we have always enhanced the
18 maintenance of the building by allowing
19 tenants to inform the front desk of any
20 immediate cleaning requirement so that it can
21 be reported to maintenance personnel."
22 Do you know whether that's true?
23 A. I complain immediately so I knew
24 what I did.
25 Q. Have you ever made a complaint

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1 Rolande Cutner 159
2 Q. Other than Mr. Felix, did anyone
3 else in management ever make fun of your
4 accent?
5 A. No. I would say Jose, Felix.
6 You mean management?
7 Q. Yes.
8 A. Jose, Felix; this is two person.
9 Q. Did anyone else hired by the
10 Lantern Group ever make fun of your accent?
11 A. Not that I recall.
12 Q. I want to look at Page 20.
13 A. Okay.
14 Q. You say that the Lantern Group
15 discriminated against you because you were
16 being viewed by them as a French national, of
17 French heritage with the language and the
18 custom; how do you know that they had this
19 perception of the French?
20 A. Because of this drama about clean
21 clothes.
22 Q. Did they ever make any comments to
23 you about the facts that you wanted to have
24 clean clothes?
25 A. In a way. When they say, "why you

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1 Rolande Cutner 158
2 after five o'clock p.m.?
3 A. I made a complaint generally in the
4 morning at 8:00 before leaving for my office
5 but I could, yes, my answer is yes, sometimes
6 after five o'clock, yes, yes.
7 Q. The Lantern Group was able to
8 address the maintenance complaints even
9 though they were made after
10 five o'clock p.m.; is that correct?
11 A. I don't know because I went to
12 sleep.
13 Q. Now, do you see the next to last
14 sentence where Mr. Markwat says, "We'll ask
15 our maintenance staff to perform cosmetic
16 work in the bathroom in your section to make
17 it look cleaner."
18 Was that actually done?
19 A. No.
20 Q. Did anyone make any attempts to
21 clean the bathroom after this letter was
22 written?
23 A. Not to my knowledge, not
24 immediately; maybe one week later but not
25 immediately.

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1 Rolande Cutner 160
2 don't go back to your country," you know, "if
3 you want to have clean clothes."
4 Q. What did you say in response to
5 that when they said "why don't you go back to
6 your country if you want to have clean
7 clothes?"
8 A. I don't say anything.
9 Q. Other than Jose, did anyone else
10 say to you go back to your own country?
11 A. No.
12 Q. Did anyone ever make any comments
13 to you that made you feel that the Lantern
14 Group had this stereotype of the French?
15 A. You mean outside of Felix and Jose?
16 Q. Anyone employed by the Lantern
17 Group?
18 A. But you know, it's difficult when
19 you say employed. It's a legal term
20 "employee" so I would say the security guard
21 are employees or are controlled by the
22 Lantern Group.
23 Q. What comments did the security
24 guards make to you regarding your being
25 French?

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1 Rolande Cutner 161

2 A. That I need clean clothes, I make a

3 big drama about this clean, you know, clothes

4 and like I make this big drama because I am

5 French.

6 Q. Did anyone say to you that you make

7 this big drama because you are French?

8 A. No. "You are playing the movie

9 star," I mean, I cannot remember the exact

10 words at that point. I cannot remember the

11 exact words.

12 Q. Did they make any other comments to

13 you regarding being French?

14 A. The accent.

15 Q. What about Mr. Markwat, did he ever

16 make any comments to you about the fact that

17 you were French?

18 A. No.

19 Q. How about Ms. Cohen?

20 A. No.

21 Q. Other than making fun of your

22 accent, did Felix ever make any comments

23 about the fact that you're French?

24 A. No.

25 Q. You say that you are not a

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1 Rolande Cutner 163

2 Mr. Santee also complained about the

3 building?

4 A. Yes.

5 Q. Do you believe that the Lantern

6 Group had animosity towards him also?

7 A. Yes.

8 Q. What is the basis for your belief?

9 A. Because they accepted to me to be

10 my witnesses because on the night of January

11 2008 we had the hearing with the judge,

12 federal judge magistrate and I ask him

13 permission to bring my witnesses and the

14 judge said, "Yes, Ms. Cutner, you may bring

15 your witnesses."

16 And I approach Chris Santee and

17 Nicolas Legrand and two other people to be my

18 witnesses and because in federal court you

19 have to disclose the names of your witnesses

20 and the address of your witnesses ahead of

21 time, I disclose the name Chris Santee,

22 Nicolas Legrand and other people and

23 immediately two days after that, the Lantern

24 Group start eviction proceeding from those

25 people.

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1 Rolande Cutner 162

2 traditional SRO tenant, what do you mean by

3 that when you make that allegation?

4 A. Because I read the leaflet

5 distributed at the subway entrance. I

6 understood that the neighborhood SRO tenant

7 were looking down like drug addict,

8 alcoholism, AIDS, and I felt that people look

9 down at people living in an SRO building

10 because of the leaflet. If you look at this

11 leaflet, you will see reflected.

12 Q. So why do you feel that the Lantern

13 Group had animosity towards you because you

14 weren't a traditional SRO tenant?

15 A. Because I complain and I felt

16 justified to complain and I felt my attitude

17 was totally different from the people in the

18 SRO building who are very sick or old and

19 lose hope, lost soul, soul.

20 Q. Is it your belief that the Lantern

21 Group harassed you and discriminated against

22 you because of your complaints about the

23 condition of the building?

24 A. Yes, definitely.

25 Q. You mentioned earlier that

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2 Q. When you're referring to federal

3 court, are you referring to this action?

4 A. Yes.

5 Q. When you say that you identified

6 Mr. Santee and Mr. Legrand as witnesses, are

7 you referring to the automatic disclosures

8 that you sent to my office?

9 A. Yes.

10 Q. Other than the eviction proceedings

11 against Mr. Santee and Mr. Legrand, is there

12 any other way, any other reason why you

13 believe that the Lantern Group has been

14 harassing or discriminating against them?

15 A. Yes, because to after my disclosure

16 of their name, the Lantern Group had a lock

17 put on their room and they were locked out

18 and they called me frightened because that

19 will be like, they will be homeless and I

20 said, "call the police," at that point, I

21 said, "call the police because the Lantern

22 Group did not have any Court Order to evict

23 you and it's written litigation because you

24 retaliation because you accept to be my

25 witnesses," and I believe because I was in my

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1 Rolande Cutner 165
 2 office and they called me at eight o'clock, I
 3 believe that because I wasn't there, they
 4 called the police.
 5 The police arrived, call someone,
 6 the locksmith and the locksmith open the lock
 7 because the Lantern Group was proceeding to
 8 quote/unquote, "eviction without any Court
 9 Order" but I was not there. I was in my
 10 office so I did not see it. This is what I
 11 understood at that point.
 12 Q. Are there any other witnesses that
 13 you indicated in your automatic disclosures
 14 that you feel have been retaliated against?
 15 A. Yes. Mimi Young, Y-O-U-N-G,
 16 Chinese. I think Chinese, maybe. She's
 17 Asian lady -- immediately receive a Notice of
 18 Eviction and she was negotiating with the
 19 Lantern Group lawyer and she was terrified to
 20 be evicted and she called me and I said,
 21 "Look, this is totally illegal. It's
 22 retaliation eviction." And I make some
 23 research on the law and it's totally illegal,
 24 and she was able to fight the eviction and
 25 finally, she negotiate I understand because I

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1 Rolande Cutner 166
 2 did not see what happened, I understand that
 3 she negotiate kind of settlement with Lantern
 4 Group but it was clearly because she said she
 5 would be my witness.
 6 Q. When you say that Mr. Santee and
 7 Mr. Legrand were evicted two days after your
 8 automatic disclosures, does that mean two
 9 days after you put them in the mail?
 10 A. No, it did not happen like that.
 11 We were Article 78 proceeding in civil court
 12 for the proceeding and Chris Santee and
 13 Nicolas Legrand were present and I think
 14 another guy also was present and they give
 15 their name and they disclose that they will
 16 be my witness and that was in the court, the
 17 court of the 78 proceeding and two days later
 18 they received a Notice of Eviction.
 19 Q. So when you had indicated two days
 20 later, that's not two days from the automatic
 21 disclosure, that's two days from their
 22 testimony from the Article 78 proceeding?
 23 A. Yes, but also before that they were
 24 in my list of automatic disclosure but that's
 25 the exact date, I think it's two days after

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1 Rolande Cutner 167
 2 the Article 78 proceeding they start eviction
 3 because at that point it was public, their
 4 name is on the public record.
 5 Q. Did Mimi also testify at the
 6 Article 78 proceeding?
 7 A. No, no.
 8 Q. When did the Lantern Group commence
 9 eviction proceedings against Mimi?
 10 A. That was some time in September,
 11 October and they were, they were, I think
 12 they were trying to negotiate a settlement
 13 and when the Lantern Group learned that she
 14 was going to be one of my witnesses, suddenly
 15 there was no more negotiation of settlement
 16 and then she was afraid to be evicted and
 17 finally, she was able to settle but I don't
 18 know the term of the settlement.
 19 Q. When was it that you learned of
 20 Mimi's effort to settle the eviction
 21 proceedings?
 22 A. I think November 2007, I think.
 23 Q. But she eventually was able to
 24 settle her eviction; is that correct?
 25 A. I think so.

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1 Rolande Cutner 168
 2 Q. Is this information that she told
 3 you?
 4 A. She told me, yes, and I've seen it
 5 on my automatic disclosure because you can
 6 see it for all the e-mail related to the
 7 court-related and I sent you all the e-mail
 8 of all the people who send me e-mail so you
 9 probably see it there.
 10 Q. On Page 21, you say you allege that
 11 the Lantern Group made nasty remarks because
 12 you were leaving for France; who made remarks
 13 to you?
 14 A. It's -- I think it's Felix. It was
 15 in this frame, "Why don't you go back to your
 16 own country," and Jose the porter was in this
 17 period.
 18 Q. What did they say to you about the
 19 fact that you were leaving for France?
 20 A. "Just go back to your own country,
 21 never come back." I mean, I cannot remember
 22 but the word was "go back to your own
 23 country."
 24 Q. They said to you not to come
 25 back?

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1 Rolande Cutner 169

2 A. Oh, "good riddance." I cannot

3 really remember but it was something in this

4 color, nasty remark.

5 Q. You allege that you had to write a

6 letter to explain the reason of your travel

7 to Paris; who asked you to write a letter?

8 A. No. I did. I don't need anybody

9 to tell me to write a letter.

10 Q. Why did you write a letter to

11 explain your reason of your travel?

12 A. Because I was afraid, again, that

13 if they told me "good riddance" or "go back

14 to your own country" and all that, again, I

15 was afraid of eviction, who knows what. You

16 have to realize, you live in fear so I wrote

17 a letter.

18 Q. Who did you give the letter to?

19 A. Well, I wrote it so probably to

20 Rafal.

21 Q. Do you know if there's any kind of

22 rule or regulation indicating that, requiring

23 that to be a permanent resident that the SRO

24 has to be your primary residence?

25 A. Yes.

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1 Rolande Cutner 171

2 why you go to France is for medical

3 treatment?

4 A. All the time.

5 Q. The first time you went to France,

6 did you tell them that it was because for

7 medical treatment?

8 A. Well, since I live there, September

9 '94 to March 2006, to when they move in,

10 probably. I mean, I don't remember but

11 probably Felix say, "oh, you are leaving," I

12 would say "yes, I go for my treatment" and

13 because I go so often then they would say,

14 "you are leaving again, good vacation," "oh,

15 it's vacation time," and I say, "no, excuse

16 me, I go for my treatment." That also upset

17 me when people say, "oh, good vacation."

18 That upset me.

19 Q. Who said to you "good vacation?"

20 A. Felix. At the desk at one point

21 they have a girl that I am not sure -- she

22 was not a security guard. It was a girl who

23 was like a secretary and she was at the desk

24 at the very beginning but I don't remember

25 her name, at the very beginning of the

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1 Rolande Cutner 170

2 Q. Do you think that the Lantern Group

3 may have been concerned that the building

4 wasn't your primary residence?

5 A. I was afraid they pull that trick

6 on me.

7 Q. Why do you think it would have been

8 a trick?

9 A. Because it is my primary residence

10 and I go there only in France for my

11 treatment as I explained for my bladder and

12 all that. I need to have the medication and

13 I need to have self-catheter and I have to

14 go, and I was afraid that they say, "you go

15 to France," I don't know. Again, it's within

16 this frame of being afraid of everything,

17 living in fear.

18 Q. Was the Lantern Group aware that

19 you were going to France to obtain medical

20 treatment?

21 A. Oh, yes, I tell everybody.

22 Q. When did you tell them?

23 A. Felix or, I mean --

24 Q. When was the first time you told

25 someone at the Lantern Group that the reason

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1 Rolande Cutner 172

2 Lantern Group taking over this building. It

3 was this girl, I cannot remember her first

4 name but she was definitely an employee of

5 the Lantern Group.

6 Q. And she wished you a good vacation?

7 A. "Oui, oui, ah, you're going on

8 vacation," and type of sentence that

9 infuriate me, you see, because I am sick so I

10 get furious.

11 Q. When she wished you a good

12 vacation, did she already know that you were

13 leaving for medical treatment?

14 A. Well, the first time I tell her,

15 and the second time I get upset and tell her

16 again and the third time I said, "No, I go

17 for my treatment," and the fifth time, "I go

18 for my treatment."

19 Q. When you go to France for your

20 treatment, how long are you typically there

21 for?

22 A. Oh, one week; no more than one

23 week.

24 Q. When you say that the Lantern Group

25 harasses you daily and that the harassment

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1 Rolande Cutner 173
 2 falls into two categories, diminished service
 3 and a total failure to maintain a clean, safe
 4 and infestation-free building, now, we've
 5 already spoken about the change in the mail
 6 policy, the change in the delivery policy,
 7 and the --
 8 A. The door with the lock.
 9 Q. Well --
 10 A. Because we were locked outside
 11 until I complain and they gave us a key, for
 12 instance.
 13 Q. Do you still have a key to the
 14 front of the building?
 15 A. Oh, yes.
 16 Q. Other than what we've already
 17 talked about, were there any other services
 18 that have been diminished once the Lantern
 19 Group took over?
 20 A. Before the Lantern Group we had
 21 doorman and doorman are so important. They
 22 do everything for you. They receive
 23 packages, they receive everything. They give
 24 you, they do everything, doorman and they had
 25 doorman.

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1 Rolande Cutner 175
 2 particular rule because, as I said, I have no
 3 family and I have nobody to visit me so I was
 4 not really concerned by that, but I knew
 5 people were very much concerned and lately,
 6 like it would be December 2007, I receive a
 7 change of rule where signed by Harriet Cohen
 8 said there is no curfew in this building and
 9 permanent tenants are allowed to receive
 10 visitors after 10:00 in the evening and this
 11 piece of paper was probably delivered in
 12 December 2007. But to tell you exactly the
 13 date I can't because I was not directly
 14 suffering from this particular rule.
 15 Q. Do you think the rule preventing
 16 permanent residents from having visitors was
 17 harassment towards you?
 18 A. On that particular rule?
 19 Q. Yes.
 20 A. No, because I was not aware of the
 21 rule. I mean, I was not suffering from the
 22 rule. Let's say I was not suffering from the
 23 rule.
 24 Q. Are all of the residents of the
 25 building permanent tenants?

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1 Rolande Cutner 174
 2 Now, we have no doorman. The
 3 minute the Lantern Group moved in they
 4 suppress the doorman and they put the
 5 security guard. Make you feel that you are
 6 ex-convict just coming out of jail.
 7 Ah, another rule they say, no
 8 visitor and they were so much complain not
 9 for me because I have no family, I don't have
 10 anybody who visit but no visitors in this
 11 building.
 12 They had so much complaint that
 13 again they flip flop and said okay, okay,
 14 curfew, ten o'clock and then they numerous
 15 complaints from other tenants so flip-flop,
 16 they change the rule: No visitors and curfew
 17 at ten o'clock.
 18 Q. You said that after people
 19 complained that they, the Lantern Group,
 20 changed their policy to allow visitors; is
 21 that correct?
 22 A. Yes.
 23 Q. How long was the policy for no
 24 visitors in place?
 25 A. I was not concerned by that

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1 Rolande Cutner 176
 2 A. Yes -- no, no, no, no. We have
 3 illegal, excuse me, we have the illegal
 4 Mexicans.
 5 Q. How do you know that these
 6 individuals are illegal?
 7 A. It's woman in the building. I saw
 8 it for the little girl, Mexican.
 9 Q. Did anyone from the Lantern Group
 10 ever mention that these people are illegal?
 11 A. No, it's a big secret and I went to
 12 talk to Mr. Islam and I say they are so
 13 terrorized by the Lantern Group. They are so
 14 afraid that when you see them in the elevator
 15 and I, I speak a little bit of Spanish and I
 16 give my name and I talk to them nicely and
 17 they are so afraid they don't even want,
 18 didn't talk to me and they were totally
 19 terrorized by the Lantern Group.
 20 And so I went to see Islam Shaffak
 21 (phonetic), and I said, "There are illegal
 22 Mexicans terrorized by the Lantern Group,"
 23 and I don't know how to prove that because
 24 the judge said, "Mrs. Cutner, do you have
 25 witnesses bring them? Do you have document

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1 Rolande Cutner 177
 2 and witnesses, bring them?" The judge was
 3 very much understanding.
 4 Q. Is this the judge of the Article 78
 5 proceeding?
 6 A. No, the federal judge.
 7 MR. CUTNER: Let's stick to
 8 the question.
 9 A. Islam Shaffak said, "Yes, I know
 10 about the illegal Mexican in the building, I
 11 know them. We work to help them," I mean,
 12 "the SRO law project, we work to help them."
 13 And I say, "I have difficulty because I have
 14 to prove that," and he said, "Mrs. Cutner,
 15 excuse me, I be your witness regarding
 16 illegal Mexican."
 17 Q. In what way have you observed the
 18 Lantern Group terrorizing the illegal
 19 immigrants?
 20 A. They are so afraid that when you
 21 talk to them and say what's your name, I say,
 22 "I am Rolande, I am from France," they are
 23 afraid.
 24 Q. Do you think there's anything that
 25 the Lantern Group has done to these

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1 Rolande Cutner 179
 2 themselves like in fear, when you in fear,
 3 when you talk to the person that the person
 4 is so much in fear. That will be my answer.
 5 Q. Other than what you've already
 6 testified to, you've already discussed the
 7 third floor bathroom, the third floor kitchen
 8 and the elevator; is there any other way in
 9 which you allege that the Lantern Group
 10 failed to maintain a clean, safe and
 11 infestation-free building?
 12 A. Outside of the bathrooms, the
 13 kitchens, the elevator, the hallway, the
 14 garbage.
 15 Q. What is your complaints regarding
 16 the hallway?
 17 A. Pieces of garbage in the hallway,
 18 banana peels in the hallway.
 19 Q. What about the garbage, you mention
 20 garbage?
 21 A. Garbage.
 22 Q. Is that the garbage in the hallway?
 23 A. Plastic in the kitchen, you know,
 24 overflowing the big cash counter,
 25 overflowing.

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1 Rolande Cutner 178
 2 individuals that forms your basis that the
 3 Lantern Group is terrorizing them?
 4 A. Because they don't want to even
 5 answer the question to me.
 6 Q. And why do you believe that's a
 7 result of the Lantern Group's actions?
 8 A. Because they are afraid, they are
 9 terrorized.
 10 Q. How do you know that they're afraid
 11 of the Lantern Group?
 12 A. Because they live in the building.
 13 Q. Couldn't they be afraid for other
 14 reasons such as the fact that they're in the
 15 country illegally?
 16 A. I don't know that.
 17 Q. You've never actually observed
 18 anyone from the Lantern Group terrorizing
 19 these individuals; is that correct?
 20 A. No, no.
 21 Q. And other than things that other
 22 tenants might have told you, do you have any
 23 basis for your allegation that these
 24 individuals are in the country illegally?
 25 A. How do you say when they present

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1 Rolande Cutner 180
 2 Q. Earlier you referenced something
 3 regarding bed bugs.
 4 Did there come a time where the
 5 building had infestations of bed bugs?
 6 A. Yes.
 7 Q. When was that?
 8 A. Since March of 2006 or March, April
 9 it started in the building and then became
 10 bad. This little mother with the two little
 11 children again came to me and complained and
 12 showed me the children with the red spots on
 13 the hand of the children and the bed bugs, as
 14 I said, explain before, I was putting strip
 15 of insecticide all over by the wall and my
 16 bed.
 17 Q. Do you know whether anyone made any
 18 complaint to the Lantern Group regarding the
 19 bed bug situation?
 20 A. Yes, a lot of the tenants.
 21 Q. Did the Lantern Group do anything
 22 to address the complaints?
 23 A. Yes. They pass a contact with a
 24 company, I don't know the name but I think
 25 you have it in your -- the Litan Company;

<p style="text-align: right;">Page 181</p> <p>1 Rolande Cutner 181</p> <p>2 L-I-T-H-A-N.</p> <p>3 Q. Are you looking at Page 22?</p> <p>4 A. You always ask me how is the</p> <p>5 building deteriorated. Before the Lantern</p> <p>6 Group we have the exterminator. He comes</p> <p>7 every months, "squish, squish, squish"</p> <p>8 (indicating), and we were happy.</p> <p>9 When the Lantern Group arrived,</p> <p>10 they stopped the service of the exterminator</p> <p>11 and they contract with this Litan</p> <p>12 Corporation and obviously, it was not</p> <p>13 working, the system. I don't know about the</p> <p>14 system. It was not working so the</p> <p>15 infestation became worse.</p> <p>16 Q. Now, you say that the extermination</p> <p>17 process was too complicated that no tenant</p> <p>18 ever called the company; what do you live</p> <p>19 feel was so complicated about the process?</p> <p>20 A. You have to take the piece of</p> <p>21 paper, it's two pages of -- they gave us this</p> <p>22 Litan Corp leaflet and I would refer to it</p> <p>23 as this leaflet. It's two pages. It's</p> <p>24 absolutely uncomprehensible and you cannot</p> <p>25 understand what they are talking about. It's</p>	<p style="text-align: right;">Page 182</p> <p>1 Rolande Cutner 182</p> <p>2 very complicated.</p> <p>3 You are supposed to put all your</p> <p>4 things outside, put everything in some</p> <p>5 plastic bag for 48 hours, fumigate the place</p> <p>6 then come back, open your thing which is in</p> <p>7 the plastic bag, "phoof, phoof" (indicating),</p> <p>8 spray on the thing.</p> <p>9 You have to look at the leaflet.</p> <p>10 It's very complicated and I don't believe</p> <p>11 that nobody did that so it was a total</p> <p>12 failure.</p> <p>13 Q. Did any other tenants complain to</p> <p>14 you about the procedure?</p> <p>15 A. Yes, they complained to me.</p> <p>16 Q. Who complained to you?</p> <p>17 A. Chris Santee, Nick Legrand; most of</p> <p>18 the people that generally talk to me.</p> <p>19 Q. Did they tell you that the reason</p> <p>20 why they didn't call Litan Company was</p> <p>21 because the process was too complicated?</p> <p>22 A. This is what they said.</p> <p>23 Q. Is this the process regarding the</p> <p>24 extermination of bed bugs or their process</p> <p>25 for getting rid of bugs, generally?</p>
<p style="text-align: right;">Page 183</p> <p>1 Rolande Cutner 183</p> <p>2 A. You have to look at the leaflet. I</p> <p>3 cannot comment on that.</p> <p>4 Q. How many tenants live on the third</p> <p>5 floor?</p> <p>6 A. I don't know. I can only talk</p> <p>7 about the one that I see every day which is</p> <p>8 Mr. Woods, Monica Sandoval, her daughter, two</p> <p>9 little children, Nicolas Legrand, one or two</p> <p>10 persons at the end of the third floor that I</p> <p>11 don't talk to so I don't know.</p> <p>12 Q. How many rooms are on the third</p> <p>13 floor?</p> <p>14 A. I don't know, I don't know. A lot</p> <p>15 but a lot of them are empty.</p> <p>16 Q. Do you know how many rooms on the</p> <p>17 third floor have people living in them?</p> <p>18 A. No, I don't know.</p> <p>19 Q. Now, you testified earlier that you</p> <p>20 believe that the Lantern Group was targeting</p> <p>21 you because of the fact that you complain</p> <p>22 about the conditions of the building.</p> <p>23 Now, wouldn't the common area</p> <p>24 affect the other people living on the floor</p> <p>25 as well?</p>	<p style="text-align: right;">Page 184</p> <p>1 Rolande Cutner 184</p> <p>2 A. I don't understand your question.</p> <p>3 Q. You're not the only person that's</p> <p>4 affected by the common area?</p> <p>5 A. The tenants are affected by the</p> <p>6 condition of the building.</p> <p>7 Q. Do you have any knowledge as to the</p> <p>8 condition of the common areas on the other</p> <p>9 floors?</p> <p>10 A. No, I never go to the other floor.</p> <p>11 Q. Other than what you've told me</p> <p>12 about an individual complaining to you about</p> <p>13 the sixth floor, did anyone else make any</p> <p>14 complaints to you regarding the conditions of</p> <p>15 their floors?</p> <p>16 A. No, no, because this two ladies</p> <p>17 only.</p> <p>18 Q. Did Chris Santee ever complain to</p> <p>19 you about the condition of the common areas</p> <p>20 on his floor?</p> <p>21 A. Yes.</p> <p>22 Q. What complaints did he make to you</p> <p>23 about the conditions of the common areas on</p> <p>24 his floor?</p> <p>25 A. Same thing: Dirty bathroom, waste</p>

<p style="text-align: right;">Page 185</p> <p>1 Rolande Cutner 185</p> <p>2 water backing up into a sink from the water</p> <p>3 closet; same, same bad quality, kitchen and</p> <p>4 bathroom.</p> <p>5 Q. On Page 24, you say the other</p> <p>6 tenants received an unsolicited visit from a</p> <p>7 social worker who came to talk to tenants in</p> <p>8 special needs and persuade them to leave the</p> <p>9 premises; do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Who were the tenants that received</p> <p>12 a visit from the social worker?</p> <p>13 A. I think it was Christopher. I</p> <p>14 think his name is Christopher or Chris, not</p> <p>15 Chris Santee. Ford, I think. I think this</p> <p>16 is his name.</p> <p>17 Q. Did he tell you that he received a</p> <p>18 visit from a social worker?</p> <p>19 A. Yes.</p> <p>20 Q. Did he tell you that the visit from</p> <p>21 the social worker was unsolicited?</p> <p>22 A. Yes. This is what he explained to</p> <p>23 me.</p> <p>24 Q. What else did he tell you about the</p> <p>25 visit from the social worker?</p>	<p style="text-align: right;">Page 186</p> <p>1 Rolande Cutner 186</p> <p>2 A. He said that he was totally upset</p> <p>3 because, I mean, this is a man that he gave</p> <p>4 me, it was in the WC taking a poo and the</p> <p>5 social worker was banging on the door, "come</p> <p>6 out, come out, come out," and he said, "wait</p> <p>7 a minute, wait a minute, I am taking a poo,"</p> <p>8 and he said, "what do you want?" and the</p> <p>9 social worker said, "come out immediately, I</p> <p>10 have to talk to you."</p> <p>11 So he said, "here I am, you know,</p> <p>12 taking a poo and this guy did not give his</p> <p>13 name, did not give his title, did not explain</p> <p>14 why he was there, bang on the door of the WC</p> <p>15 bathroom and I am taking poo," and he said,</p> <p>16 "I went outside and I said, 'I never ask you</p> <p>17 for social worker'" and he was very, very</p> <p>18 upset.</p> <p>19 Q. Who did he say I never asked you</p> <p>20 for a social worker?</p> <p>21 A. He says that, not social worker, "I</p> <p>22 never ask you, for you to send social worker</p> <p>23 to come to me," and he was absolutely</p> <p>24 behind --</p> <p>25 Q. Was this social worker the same</p>
<p style="text-align: right;">Page 187</p> <p>1 Rolande Cutner 187</p> <p>2 social worker that you mentioned earlier that</p> <p>3 the Lantern Group was hiring to be in the</p> <p>4 building?</p> <p>5 A. I think, this is, again, this is</p> <p>6 hearsay because this is what Christopher Ford</p> <p>7 told me about that.</p> <p>8 Q. Do you know how long Christopher</p> <p>9 Ford had lived in the building?</p> <p>10 A. No, I don't.</p> <p>11 Q. Do you know if he moved into the</p> <p>12 building after the Lantern Group took over?</p> <p>13 A. I don't know.</p> <p>14 Q. Did he tell you that the social</p> <p>15 worker tried to persuade him to leave the</p> <p>16 premises?</p> <p>17 A. Yes, yes. He was very upset.</p> <p>18 Q. What did he say that the social</p> <p>19 worker said to him?</p> <p>20 A. He was trying to be convinced to go</p> <p>21 to this Hunter Moons and this Hunter Moons,</p> <p>22 apparently, I didn't go there, is so bad that</p> <p>23 the other guy, John Woods came back and say</p> <p>24 has been beaten up by tenant in Hunter Moons,</p> <p>25 and he came back and he said our building is</p>	<p style="text-align: right;">Page 188</p> <p>1 Rolande Cutner 188</p> <p>2 paradise compared to the Hunter Moons and</p> <p>3 which is Lantern Group is the owner of this</p> <p>4 building and owner and manager of this</p> <p>5 building and people are terrified to go</p> <p>6 there, why, I don't know. I have not been</p> <p>7 there but apparently, they have a people --</p> <p>8 apparently, I was not there, fighting.</p> <p>9 Q. When Mr. Ford told you that the</p> <p>10 social worker tried to convince him to go to</p> <p>11 Hunter Moons, was that during the same</p> <p>12 conversation after as when Mr. Ford came out</p> <p>13 of the bathroom and told you about the social</p> <p>14 worker?</p> <p>15 A. Yes, and he was specifically upset</p> <p>16 because the social worker did not introduce</p> <p>17 himself. He said, "You know, I am not a dog.</p> <p>18 They bang on the water closet, they treat me</p> <p>19 like a dog and I'm taking a poo."</p> <p>20 Q. What else did Mr. Ford tell you</p> <p>21 about this conversation with this social</p> <p>22 worker?</p> <p>23 A. He was afraid to go to Hunter Moons</p> <p>24 and that they were forcing him to go there.</p> <p>25 Q. Other than talking to Mr. Ford</p>

<p style="text-align: right;">Page 189</p> <p>1 Rolande Cutner 189</p> <p>2 about Hunter Moons, did Mr. Ford indicate</p> <p>3 that they did anything else to get him to go</p> <p>4 to Hunter Moons?</p> <p>5 A. No. He was so upset that he</p> <p>6 mentioned that, he was being totally upset.</p> <p>7 Q. Did he tell you anything that the</p> <p>8 social worker said about Hunter Moons other</p> <p>9 than that Mr. Ford should go there?</p> <p>10 A. I don't know that.</p> <p>11 Q. Do you know of any other tenants</p> <p>12 that received visits from social workers?</p> <p>13 A. Apparently, and Shoshanna.</p> <p>14 Q. What did she tell you?</p> <p>15 A. She was supposed to be sent to</p> <p>16 Hunter Moons and apparently, she refused to</p> <p>17 go and she was very upset and to me it look</p> <p>18 like, you know, it's almost during like the</p> <p>19 Nazi occupation where people are in</p> <p>20 concentration camps and you are moved to the</p> <p>21 gas chamber, this Hunter Moons and again, I</p> <p>22 said, "I never been there but people seem to</p> <p>23 be afraid to go to Hunter Moons and this</p> <p>24 Shoshanna said, "I am not going and I am not</p> <p>25 going and they were trying to push me there.</p>	<p style="text-align: right;">Page 190</p> <p>1 Rolande Cutner 190</p> <p>2 Q. Did she say that a social worker</p> <p>3 had visited her?</p> <p>4 A. No.</p> <p>5 Q. Did she say how they were trying to</p> <p>6 force her to go?</p> <p>7 A. No, she was just too upset.</p> <p>8 Q. And did she eventually move to</p> <p>9 Hunter --</p> <p>10 A. No, she's still in the building.</p> <p>11 Q. Do you know how long she's lived in</p> <p>12 that building?</p> <p>13 A. I don't know but a long time. I</p> <p>14 think she's a long time permanent tenant.</p> <p>15 Q. Do you know if she moved after the</p> <p>16 Lantern Group took over?</p> <p>17 A. I know she was there before,</p> <p>18 before.</p> <p>19 Q. Other than Christopher Ford, do you</p> <p>20 know if any other tenants received any visit</p> <p>21 from a social worker?</p> <p>22 A. No. I was talking to Chris. I</p> <p>23 learned a lot.</p> <p>24 Q. On Page 25 you referenced the fact</p> <p>25 that the Lantern Group eliminated the service</p>
<p style="text-align: right;">Page 191</p> <p>1 Rolande Cutner 191</p> <p>2 of a doorman and replaced him with security</p> <p>3 guards?</p> <p>4 A. Yes.</p> <p>5 Q. Do you feel that this is</p> <p>6 discriminatory?</p> <p>7 A. Yes, yes. I would say yes.</p> <p>8 Q. Why do you feel that it's</p> <p>9 discriminatory?</p> <p>10 A. Because when you live in New York</p> <p>11 City, the building is doorman. Normally, you</p> <p>12 go in and out, the doorman ask you if you</p> <p>13 have guest. I mean, it's a normal life.</p> <p>14 With a security guard you have the feeling</p> <p>15 you are ex-convict and you have the feeling</p> <p>16 that you committed a crime, who knows and</p> <p>17 suddenly there is suspicion why are you</p> <p>18 getting into the building, why are you</p> <p>19 getting out. The security guard is there.</p> <p>20 It's a terrible suspicious life. It's not</p> <p>21 anymore a building normal with a doorman.</p> <p>22 Q. Do you think the reason why the</p> <p>23 Lantern Group put in security guards was</p> <p>24 because of the presence of these NY3</p> <p>25 population tenants?</p>	<p style="text-align: right;">Page 192</p> <p>1 Rolande Cutner 192</p> <p>2 A. Well, they contemplated in the</p> <p>3 future, in the future to put these in but I</p> <p>4 don't know, I don't know why. I suspect that</p> <p>5 they wanted to save money, I suspect but I</p> <p>6 don't know. I don't know why they put</p> <p>7 security guard and suppress the doorman.</p> <p>8 Q. You express concerns earlier</p> <p>9 regarding the fact that there were going to</p> <p>10 be these NY3 tenants in the building and you</p> <p>11 pressed the fact that the social worker was</p> <p>12 there only to 5:00 so wouldn't the presence</p> <p>13 of security guards provide extra, extra</p> <p>14 security for the tenants who are concerned</p> <p>15 about them?</p> <p>16 A. No, because during the night they</p> <p>17 leave, they are not there. We don't know</p> <p>18 where they are. You have to understand</p> <p>19 something, on the surface it's wonderful,</p> <p>20 there is security guard, the reality is</p> <p>21 otherwise.</p> <p>22 They disappear into the evening.</p> <p>23 We don't know where they are then they show</p> <p>24 up. We don't know. There is no control.</p> <p>25 You don't feel safe even with a security</p>

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2 guard and one of the ladies, Florence Bella,

3 she's afraid of the security guard because

4 she lives on the ground floor and she says

5 these guys, they smoke marijuana, go in and

6 out. It's scary.

7 Q. And on how many occasions did you

8 go downstairs at night and see that the

9 security guards weren't there?

10 A. Between 2006 and 2008, in two

11 years, between this period, you mean?

12 Q. In the entire time that there has

13 been security guards instead of a doorman,

14 how many times have you observed that

15 security guards were not on their posts at

16 night?

17 A. Every other week. I mean, during

18 the night if I arrive late, they are there or

19 not there. You don't know where they are.

20 They might be just outside smoking one

21 cigarette. Don't look likes it's something

22 bad that they do but I could not tell. I

23 could say every week they are there.

24 Q. How many security guards does the

25 building typically have on staff, like one at

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1 Rolande Cutner 195

2 was discriminatory or harassing?

3 A. Oh, yes, multiple reasons.

4 Q. What are the reasons?

5 A. They treat you like cattle; they

6 don't treat you like human beings. They

7 treat you like ex-convict; they speak bad to

8 you. They definitely, definitely, definitely

9 harassment. They treat you with contempt,

10 yes. They are never there to help.

11 Q. Is it your belief that the Lantern

12 Group intentionally replaced the doorman with

13 security guards for the purpose of harassing

14 the tenants?

15 A. Yes, yes, oh, yes, oh, yes.

16 Because it's so different from any service

17 that you can expect from a doorman.

18 Q. You reference in your complaint an

19 incident where a man was asleep against your

20 door, can you describe this incident?

21 A. Yes, I could not go into my room

22 because a guy was sleeping there and totally

23 stretched out across the door so I call the

24 security guard.

25 Q. What did the security guard do?

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1 Rolande Cutner 194

2 a time, two at a time?

3 A. One at a time, one at the desk.

4 Q. So if the one security guard needed

5 to use the rest room, there would be no one

6 at the desk?

7 A. Yes, also no one at the desk or the

8 security guard could be called by a tenant,

9 even myself, you know. If I am afraid, I'll

10 tell the security guard "go with me" to the

11 third floor, for instance.

12 Q. Did you ever complain to the

13 Lantern Group about the fact that the

14 security guards weren't always at their post?

15 A. Yes.

16 Q. Who did you complain to?

17 A. I wrote letter.

18 Q. Did anyone respond to your letters?

19 A. I don't think that I send in that

20 particular letter, a subsequent letter. I

21 receive volume writing of letter.

22 Q. Other than what you've already

23 testified to, is there any other reason why

24 you believe that the Lantern Group's

25 replacement of a doorman with security guards

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1 Rolande Cutner 196

2 A. He tried to wake him up. The guy

3 was sleeping there and finally, he tried to

4 make him move but the guy either was drunk or

5 he had maybe some physical, you know.

6 Q. Was the security guard eventually

7 able to wake the man up?

8 A. I don't know, I didn't stay there.

9 I say that's a problem with the security

10 guard. The security guard and I went over

11 the body of the guy and I think the security

12 guard help me to push my door and I quickly

13 went into my door and closed the door.

14 Q. You went into your room and closed

15 door?

16 A. I wrote a letter. Naturally, I

17 wrote a letter.

18 Q. When was the man sleeping in front

19 of your room finally taken away from your

20 room?

21 A. I don't know.

22 Q. Do you know of any action the

23 security guard took after you went into your

24 room and closed your door?

25 A. No. I, I was terrified.

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1 Rolande Cutner 197

2 Q. Did you hear anything going on

3 outside your room?

4 A. No.

5 Q. Do you know whether the security

6 guard contacted the police or an ambulance?

7 A. No, I don't know that but I wrote a

8 letter so we could refer to the letter and I

9 wrote a letter that I'm sure everything is

10 there.

11 Q. The next time you left your room,

12 the man wasn't still there, was he?

13 A. In the morning?

14 Q. Right?

15 A. No.

16 Q. And so at one point when you went

17 into your room at night and when you left

18 your room in the morning, the security guard

19 took action to remove the man from your

20 apartment; is that correct?

21 A. I don't know. I just went into my

22 room and closed the door.

23 Q. You mentioned on the next page that

24 in the months after the Lantern Group took

25 over that you became increasingly suspicious

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1 Rolande Cutner 199

2 addition, not 67 tenants?

3 A. Yes, yes.

4 Q. Do you know of other than those 34

5 individuals there, were other new tenants

6 moved in after the Lantern Group took over?

7 A. I have no way to know.

8 Q. Do you know whether there were new

9 people on your floor that you haven't seen

10 before the Lantern Group took over?

11 A. On my floor, no, no, no.

12 Q. Did you recognize new people in the

13 building that you hadn't seen before the

14 Lantern Group took over?

15 A. No, no, no except for as I say, in

16 the elevator when I meet with those Mexican

17 who are really not talking.

18 Q. Other than the fact that you heard

19 noises outside of your room, do you have any

20 other basis for believing that strange

21 individuals were roaming the premises?

22 A. It's just -- let me explain to you.

23 Again, between September '94 and until March

24 2006 it was a quiet building. Then the

25 Lantern Group took over the management and

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1 Rolande Cutner 198

2 that strange individuals were roaming the

3 premises; why were you suspicious of this?

4 A. Because I was in my room and I hear

5 all this galloping outside.

6 Q. Outside of your room or outside of

7 the building?

8 A. Outside of my room.

9 Q. What made you think that it was

10 that the individuals that you heard galloping

11 weren't tenants?

12 A. Because before that for all the

13 years that I have been living there, it was a

14 very nice and quiet building. It was quiet

15 and matter of fact, it was quiet building,

16 you know, no complaints.

17 Q. Do you know whether new tenants

18 moved in once the Lantern Group took over?

19 A. The Mexican, yes, they both; 34

20 Mexican.

21 Q. How many tenants were there in the

22 building?

23 A. We have 67 permanent tenants plus

24 34 mixed, illegal Mexican.

25 Q. So the 34 illegal immigrants are an

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1 Rolande Cutner 200

2 then it was frightening this galloping at

3 night and but you can understand, I did not

4 open the door and investigate. I stayed put.

5 Q. Other than the incident where two

6 women on the sixth floor told you about their

7 belief that people were on the roof, did

8 anyone else ever complain to you that strange

9 individuals were roaming the premises?

10 A. No, no.

11 Q. Towards the bottom where you say

12 that there was a large sign glued to the

13 front door that said, "Please enter the

14 building," can you describe that sign to me,

15 about how big was it?

16 A. The building has a big door and the

17 lock was broken and they put tape, tape and

18 then they put piece of paper and they put

19 "Please enter the building" written on this

20 piece of paper and tape so you could enter

21 and go out and in and out like that.

22 Q. Was it a handwritten sign?

23 A. A handwritten sign.

24 Q. Do you know who wrote that sign?

25 A. No, no.

<p style="text-align: right;">Page 201</p> <p>1 Rolande Cutner 201</p> <p>2 Q. The lock was broken?</p> <p>3 A. The lock was broken.</p> <p>4 Q. Do you know who wrapped the lock in</p> <p>5 tape?</p> <p>6 A. No.</p> <p>7 Q. Do you know who made the sign?</p> <p>8 A. No.</p> <p>9 Q. Did you have any conversations with</p> <p>10 the security guards about the lock and the</p> <p>11 sign?</p> <p>12 A. I complained. Trust me on that.</p> <p>13 Q. What did you say to them?</p> <p>14 A. I said, "You know, instead of</p> <p>15 putting a tape, why don't you call locksmith</p> <p>16 and have it repaired?"</p> <p>17 Q. What did they tell you in response?</p> <p>18 A. "Don't worry, Ms. Cutner. It's</p> <p>19 going to be done."</p> <p>20 Q. Was the lock eventually repaired?</p> <p>21 A. It stayed a long time, at least one</p> <p>22 week.</p> <p>23 MS. HOLTZER: Can we take at</p> <p>24 least a five-minute break?</p> <p>25 (Whereupon, a recess was</p>	<p style="text-align: right;">Page 202</p> <p>1 Rolande Cutner 202</p> <p>2 taken at this time.)</p> <p>3 Q. Now, I want to look at Page 34.</p> <p>4 Now, you have quote words at the bottom of</p> <p>5 the page where you say "the victim does not</p> <p>6 have to be the person harassed but could be</p> <p>7 anyone affected by the offensive conduct."</p> <p>8 Who do you think in your building</p> <p>9 was being harassed by the Lantern Group?</p> <p>10 A. Me.</p> <p>11 Q. Well, you refer to the victim not</p> <p>12 having to be the person harassed; do you</p> <p>13 think there were other people harassed as</p> <p>14 well?</p> <p>15 A. Yes, yes, in a way. In the system</p> <p>16 I was harassed but the system by itself</p> <p>17 create that because the fact that they put</p> <p>18 the security guard, the fact that they are</p> <p>19 treating people like cattle and not human</p> <p>20 being, you know, so even in the management, I</p> <p>21 feel they were treated badly each other, I</p> <p>22 mean.</p> <p>23 Q. What do you mean by that?</p> <p>24 A. They were treated badly. When I</p> <p>25 complain a lot to Felix and so Felix would</p>
<p style="text-align: right;">Page 203</p> <p>1 Rolande Cutner 203</p> <p>2 say, "do you believe it is for me. I am sick</p> <p>3 and tired of this organization" and things</p> <p>4 like that. Even within the frame, the</p> <p>5 Lantern Group, a guy like Felix complain. I</p> <p>6 don't know if it was true or untrue. He felt</p> <p>7 even himself was harassed.</p> <p>8 Q. You mention something about the</p> <p>9 system; are you referring to the Lantern</p> <p>10 Group system?</p> <p>11 A. Yes, the system where under the</p> <p>12 cover of approving the disabled, the people</p> <p>13 in life, help the approve the disable. I</p> <p>14 repeat, they are like Nazi. They are like</p> <p>15 Germany Nazi. They treat the people as bad</p> <p>16 as they treat the people in the Second World</p> <p>17 War.</p> <p>18 Every time you complain it's like</p> <p>19 you are against the wall, "Don't worry,</p> <p>20 everybody is fine and everything is going to</p> <p>21 be fixed," and even in the eyes, as I</p> <p>22 explained again, they are like zombies. They</p> <p>23 don't talk to you like human beings. It's a</p> <p>24 system and the system to me is wrong.</p> <p>25 Something is wrong in the system. This is</p>	<p style="text-align: right;">Page 204</p> <p>1 Rolande Cutner 204</p> <p>2 what I'm trying to explain.</p> <p>3 Q. What do you think the Lantern</p> <p>4 Group's purpose was in harassing these other</p> <p>5 people?</p> <p>6 A. To make leave, to empty the</p> <p>7 building.</p> <p>8 Q. Why would the Lantern Group want to</p> <p>9 empty the building?</p> <p>10 A. Because they want to demolish 80</p> <p>11 percent of the buildings or rooms, so I</p> <p>12 understand, under the law and again, I am not</p> <p>13 a real estate lawyer but I understand under</p> <p>14 the laws they have to provide room for people</p> <p>15 that they evict during the construction.</p> <p>16 This is the reason we are trying to</p> <p>17 move the people of the front of the building</p> <p>18 into the rear of the building but they have</p> <p>19 an obligation and those organization to</p> <p>20 provide the people with room equivalent and</p> <p>21 in the same neighborhood where we live and</p> <p>22 it's costing them a lot of money so if people</p> <p>23 leave entirely, then the whole organization</p> <p>24 decreased.</p> <p>25 Q. Do you know what the Lantern Group</p>

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1 Rolande Cutner 205
 2 intended to do with the building after the
 3 new renovation is completed?
 4 MR. CUTNER: If you know.
 5 MS. HOLTZER: Well, I asked
 6 her.
 7 The question was, do you
 8 know.
 9 A. No, I don't know. I don't.
 10 Q. Why did you put this quotation in
 11 your complaint --
 12 MR. CUTNER: Which
 13 quotation?
 14 MS. HOLTZER: The one at the
 15 bottom of Page 34 that I had just
 16 asked Ms. Cutner about.
 17 A. Because, as I said, inside the
 18 system of the Lantern Group people like
 19 Felix -- I feel sorry for the guy -- they are
 20 also victimized or even Jose the porter, they
 21 are in the system and they are themselves
 22 victim.
 23 Q. In what way are they victimized by
 24 the Lantern Group system?
 25 A. Because they get the first wave of

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1 Rolande Cutner 207
 2 that he had contact some building inspector
 3 and the building inspector explained that
 4 there is violation A, B and C, and C
 5 violations are very, very serious and Chris
 6 Santee was telling me because he asked me,
 7 "How much do you pay? And I pay \$500 a month
 8 and he said, "Do you know that with a
 9 C violation you could stop paying your rent
 10 because you don't have to pay rent if there
 11 is C violation which hasn't been repaired?"
 12 And I said, "I am too terrified to be
 13 evicted. I pay because I don't want to be
 14 evicted." We have enough litigation like
 15 that not only but Chris Santee told me that.
 16 Q. What does Chris Santee do for a
 17 living?
 18 A. I think he's in some kind of
 19 computer business or he's probably a man
 20 around 50 years old who has been probably
 21 destroyed by some disease that I don't know
 22 what he does but I think he's in the computer
 23 business.
 24 Q. Did he tell you that someone had
 25 told him about the C violations?

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1 Rolande Cutner 206
 2 complaining. I did this day in and day out,
 3 day in and day out and Felix, Felix told me,
 4 "I'm sick and tired. It's upsetting."
 5 Q. Where did you get this quotation
 6 from?
 7 A. You know, I am an insomniac. I
 8 read hundreds of books. I probably, I don't
 9 even know but I probably took it, I do a lot
 10 of research. I go to the library. I could
 11 find it if you ask me but I'll look again. I
 12 am reading a lot of books but by the way, I
 13 don't have TV so in the evening I read a lot
 14 of books.
 15 Q. I'm just going to leave a blank in
 16 the transcript for the source of the
 17 quotation and if you could fill it in.
 18 A. Sure, sure, if I find the book.
 19 (INSERT):
 20 Q. On the next page on Page 35, you
 21 allege that you asked Mr. Markwat why he
 22 doesn't at least repair the C violations in
 23 room 341; did you actually use that language
 24 with him, the term C violations?
 25 A. Yes, because Chris Santee showed me

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 2 A. No. I think he talk to the
 3 building inspector who told him. I know that
 4 he got that from the building inspector the C
 5 violation because he told me I did not have
 6 to pay my rent.
 7 Q. Did he tell you who told him with
 8 C violations you don't have to pay your rent?
 9 A. I think the conversation was with
 10 the building inspector but I was not there.
 11 Q. And did he tell you that the
 12 building inspector told him these things?
 13 A. Yes, he was relating to me a
 14 conversation with a building inspector.
 15 Q. How did Mr. Markwat respond when
 16 you asked him to repair the C violations?
 17 A. I think I already mentioned that
 18 there was a big meeting with Gail Brewer and
 19 I think that was that day that he told me, I
 20 think.
 21 You know, I told you the story, "if
 22 you pay your rent, we will have money to
 23 repair because you don't pay then we don't
 24 have any money to repair," I think I told you
 25 the story. We have to look in the

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2 transcript.

3 Q. Did he say that you, specifically,

4 didn't pay your rent or was he referring to

5 you as the tenants?

6 A. Tenants.

7 Q. Do you know if the other tenants

8 were paying their rent?

9 A. No, I don't discuss that at all.

10 It's very, very private. I never discuss

11 that.

12 Q. I want to go to Page 38. You

13 allege at that time Lantern Group

14 substantially profited from the acquisition

15 of the SRO; how do you know that, what is

16 your basis for saying that they profited from

17 the transaction?

18 A. Because in the neighborhood there

19 is a real estate lady, a lady broker and she

20 made an analysis of the prices of the

21 building in our street, 94th Street, West

22 94th Street and she claim -- and again, I did

23 not look at the number -- she claimed that

24 the Lantern Group, to buy the building, would

25 manage to buy the building with a higher

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1 Rolande Cutner 211

2 complaint. We still have not

3 covered a substantial amount of

4 Ms. Cutner's complaint so we will

5 likely have to continue this

6 deposition on another date.

7 -o0o-

8 (Whereupon, the examination

9 of Rolande Cutner was concluded at

10 5:02 p.m.)

11

12

13

14 ROLANDE CUTNER

15

16

17

18 Subscribed and sworn to

19 before me this day

20 of , 2008.

21

22 NOTARY PUBLIC

23

24

25

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1 Rolande Cutner 210

2 price from the Brooklyn Margolis family.

3 The price was inflated because the

4 Lantern Group was not using its own money but

5 the money from the taxpayer, HPD money, from

6 the New York City taxpayer and she, the

7 broker, explain that if the Lantern Group

8 bought the building at inflated price, not

9 with the money of the Lantern Group but with

10 the money with the taxpayer so difference

11 between the real price and the inflated price

12 was money that they probably share under

13 cover or they would share.

14 They were kind of under cover

15 agreement because "why," she explain to me,

16 she said, "why is the Lantern Group bought a

17 building which is inflated price up on the

18 same street?" Something like that.

19 MR. CUTNER: Maybe this will

20 be a good time to stop, Melissa.

21 THE WITNESS: That was what

22 I was told.

23 MS. HOLTZER: I just want to

24 state for the record we've been

25 going through Ms. Cutner's

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1 212

2 I N D E X

3

4 WITNESS EXAMINATION BY PAGE

5 Rolande Cutner Ms. Holtzer 4

6

7

8 EXHIBITS

9 DEFENDANTS' PAGE

10 A Complaint 19

11 B Letter 153

12

13

14 REQUESTS FOR PRODUCTION

15 DESCRIPTION PAGE

16 Piece of paper explaining 40

17 Non profit status

18

19 INSERTS

20 DESCRIPTION PAGE

21 Source of quotation 206

22

23

24

25

CERTIFICATE

I, MARY E. SANTIAGO, a Notary Public
within and for the State of New York, do
hereby certify:

That the witness(es) whose testimony
is hereinbefore set forth was duly sworn by
me, and the foregoing transcript is a true
record of the testimony given by such
witness(es).

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

MARY E. SANTIAGO